

**Minutes of Regular Meeting
Select Board
Tuesday, April 13, 2021
Remote Online Meeting
Called to Order at 6:30p.m.**



Video Recording: <https://weston.vod.castus.tv/vod/?video=48a44972-01c4-4c1c-9055-b28e2718a2de&nav=search%2Fselect%20board>

Select Board Members	Present	Staff Members	Present
Laurie Bent - Chair	Yes	Leon A. Gaumond, Jr., Town Manager	Yes
Harvey Boshart - Clerk	Yes	Kara Fleming, Asst. to the Town Manager	Yes
Christopher Houston	Yes	Lauren Goldberg, Town Counsel	Yes
Others		Deborah Davenport, Town Clerk	Yes
Rip Hastings, Moderator		Susan Kelley, Town Accountant	
Chris Martin, Weston Cultural Council Chair		Lisa Yanakakis, Asst Town Manager/HR Director	Yes
Eric Rosenthal, Recreation Commission Chair			Yes
Katarina Wilkins, Sustainability Committee Chair			Yes

Call to Order: Chair Ms. Bent called the remote meeting to order at 6:30pm, and read the following: *Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Weston will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.*

Annual Town Meeting:

Ms. Bent said there was an unforeseen resignation from the School Committee, and the plan is for the Select Board to participate in the April 27, 2021 School Committee meeting to discuss appointing a replacement for the remainder of the term. Ms. Goldberg said this is the correct process to fill the vacancy until the next Annual Election. There was a discussion of notification of the vacancy.

- Logistics with Moderator, Town Counsel and Town Clerk: There was a discussion of the logistics for the outside Town Meeting.
- Warrant Article Positions and Video Presentations: Mr. Gaumond said he had received correspondence from Atty. Goldberg with revised motions and edits which he incorporated into the draft Warrant, but thinks the Warrant is in good shape.

He outlined some work he had done with Planning regarding the Riverside Road articles and said that the articles are still in development. He believes some amendments to the articles will be received.

The Board reviewed each of the proposed Warrant Articles to determine who would make presentations during Town Meeting and whether the Select Board supports the article.

Town Budget:

MOTION:** Mr. Boshart moved to support the 2022 Fiscal Year Budget. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Consent Agenda: Articles 3 through 21, Mr. Houston will present this.

MOTION:** Mr. Houston moved to support the Consent Agenda. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Article 22, High School/Middle School Master Plan: Mr. Gaumond said that School Committee member Alex Cobb will make this motion. There was a discussion of this article and funding and supporting the Master Plan.

MOTION:** Mr. Houston moved to support Article 22. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Articles 23, Affordable Housing at 8-10 Birch Lane by Weston Affordable Housing Foundation: The Select Board deferred taking a position on this article, pending a presentation by the CPC.

Article 24, Walkway on Ash Street & Article 25 Burchard Park Rehabilitation:

MOTION:** Mr. Boshart moved to support the CPC Articles 24, and 25. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Article 26, Memorial Pool Rehabilitation: The Select Board deferred taking a position on this article, pending a presentation later in this meeting.

Case Estate Articles: Article 27 Establish Boundaries, 28 Conveyance of Louisa's Wall, and 29 Conveyance of 2 parcels at 226 Ash Street: Ms. Bent will present these.

MOTION:** Ms. Bent moved to approve Articles 27, 28, and 29. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Article 30, Zoning Bylaw at Riverside Road: The Select Board deferred taking a position on this article, pending Planning Board discussions and votes.

Article 31, Zoning Bylaw Life Sciences: The Select Board deferred taking a position on this article, pending Planning Board discussions and votes.

Article 32, Zoning Map Amendment, Riverside and Park Road for Transit Oriented Multiple Dwelling Overlay: The Select Board deferred taking a position on this article, pending Planning Board discussions and votes.

Article 33, Zoning Map Amendment, Riverside Road for Research and Development: The Select Board deferred taking a position on this article, pending Planning Board discussions and votes.

Article 34, Fur Ban: The Select Board deferred taking a position on this article until more information is available.

There was a brief discussion regarding time limits for presentations at Town Meeting. Mr. Hastings stated that he plans to adhere to the same time limits that were used in recent Town Meetings. The group also concluded that all prepared video presentations should be submitted by May 1st,

Mr. Hastings disclosed that he is a former director of the Weston Affordable Housing Foundation. He has not been a director for at least 6 years, and no longer has a relationship with the organization. He does not feel it is a reason to recuse himself but wanted to mention it to the Board in case they thought differently. Ms. Bent pointed out that he has disclosed, and said he feels he can be neutral so there should be no problem. Ms. Goldberg agreed.

Resident Comments

Kate McGovern said that Ms. Bent had said at the last meeting that the Ethics Report did not find any evidence that former Select Board member Douglas Gillespie benefitted in any way by his illegal actions. Ms. McGovern feels this is incorrect as the report showed he received confidential information about opposition to his project, and also removed information from the minutes, which did involve the whole board. She asked why Mr. Gillespie was receiving emails about his project and allowed to deliberate on his own project, and chair meetings on the Boston Properties project. She asked that these issues be addressed.

Rochelle Nemrow asked that there be a meeting for residents to ask questions and get answers. She asked if the Select Board has or will consider having this meeting.

Ms. Bent said she feels this was fully addressed at the last meeting and does not hear anything new being asked. She has not seen evidence that Mr. Gillespie personally benefitted but agrees that there were ethics violations. She said the Board is not privy to Mr. Gillespie's emails, nor do they control the actions of an individual regarding

whether he recuses himself or not. She feels the Ethics Commission has looked at this very closely and identified the violations and that they only pertain to one person. This is the final word in her opinion and does not see the point of rehashing the issue. She is not persuaded that another meeting is warranted.

Mr. Houston pointed out that despite the efforts to build support for another meeting on this topic, the Board has received more responses saying it is time to put this issue to bed rather than meeting again. He asked if they had watched the February 25, 2020 session where this issue was covered. He also said nothing in the Ethics Report suggested that the ZBA permit for 751 Boston Post Road was improperly issued. The Town had the Right of First Refusal for the Gillespie/Carter land and the Select Board chose not to exercise that option after public deliberation and input.

Mr. Boshart added that if the Town had purchased the 61A land there would have been greater proceeds to the Gillespie/Carter family. But this was not the right thing for the town, plus the decision to not purchase was supported by every other committee in Town except the Weston Forest & Trails. He also said that Mr. Gillespie did not deliberate on his project, and Mr. Boshart did not know if Mr. Gillespie knew that his family was considering selling the property.

Mr. Nemrow said her questions are not related to the Town's decisions regarding right of first refusal. Rather, they are related to the sequence of events and the actions of people in the Town. She said she would like to meet with Mr. Boshart, as he offered. She said her questions are not related to the 40B project and explained her goals with her questions.

Diana Chaplin asked if a chair of a board saying "Me" during the voting process is legitimate. Ms. Bent said she identifies herself in the meeting and thinks it's evident who she is. Mr. Gaumond said Ms. Bent should probably identify her name, but Town Counsel was present tonight for at least 6 votes and did not raise an objection. Ms. Bent said Town Counsel has attended many other meetings and did not raise a concern.

Weston Cultural Council Candidates Marilyn Hirsch and Jamie Peebles

Overview: Ms. Bent explained that there are two candidates and two openings. She said the Board had looked at their applications. Marilyn Hirsch was present at the meeting. Jaime Peebles was not present.

Ms. Hirsch outlined her experience and why she would like to join the Council. Ms. Christine Martin, Chair of the Weston Cultural Council said that both candidates would be great additions to the Council.

MOTION: Mr. Boshart moved to appoint Marilyn Hirsch and Jamie Peebles to the Weston Cultural Council for a 3-year term expiring April 13, 2024. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

Memorial Pool Renovation

Representation: Eric Rosenthal, Recreation Commission Chair; Chris Fitzgerald, Weston Recreation Director

Overview: Mr. Rosenthal presented on the proposed renovations to the pool and explained that almost 24% of residents use the pool which is larger than any other local towns.

Discussion: Ms. Bent said she was struck that the filtration system budget is such a big part of this renovation. Mr. Rosenthal said there is not a lot of fluff in the proposed costs and discussed the goals for the facility.

Mr. Fitzgerald explained the benefits of the new filters and discussed the complexities of installing them. He also discussed improving the concessions as well as replacing the water table.

There was a general discussion of the value of the pool, and how the proponents worked with the Financial Committee, etc.

Ms. Bent said since they expect the Recreation Department be self-sufficient, it is important that the town support their efforts to provide quality facilities.

MOTION: Mr. Boshart moved to support Article 26 as printed in the Warrant. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

Pay As You Throw Report and Recommendation

Representation: PAYT Working Group: Laurie Bent, David Ayer, Thomas Darling, Elisabeth DiPietro, Philip Saunders.

Overview: Ms. Bent presented an overview of the work of the working group, the reason for instituting a PAYT program, and their specific proposal. She added that the implementation of the composting pilot program and charging for bulky waste, which were both supported by the Select Board, are successful and are helping to reduce waste.

Working Group Recommendation			
No TS sticker fee, \$4/bag			
Regular Household/Yr		Senior Household/Yr	
Sticker Fee	Free	Sticker Fee	Free
Lbs. trash/yr	1550	Lbs. trash/yr	860
# of 25-lb bags	66	# of 25-lb bags	35
Cost to HH/yr	\$264	Cost to HH/yr	\$140
(Current cost to Regular HH-\$255)		(Current cost to Senior HH-\$155)	

*Assumptions:
• 20% trash reduction with PAYT.
• 25% of trash is from 5¢ HHs.
• Does not include bulky waste.

Two bag sizes will be offered, 33-35 gal (large) and 25 gal (small). Examples are based on large bags.

Ms. Bent's presentation focused on the advantages of PAYT. She discussed the fairness of the program in that, like utilities, such as gas, electricity and water, the resident pays for their actual consumption. She stated that residents continue to be afforded the same freedom of choice, but are being given the incentive of lowering their costs rather than being coerced into recycling. She added that the program increases awareness about the true cost of waste.

The proposal includes no fees for the Transfer Station sticker, but charges \$4 per bag of trash (less for a smaller bag). Ms. Bent showed the impacts on a regular household and a senior household.

Mr. Boshart asked for details on how they had achieved the expected costs, which Ms. Bent provided and explained that bulky waste is excluded, and there was a discussion of the financial expectations.

She said the Working Group believes the proposal is financially responsible.

Ms. Bent presented an alternative which has a lower per bag fee and includes a lower transfer station sticker fee. She said it is more complicated, and it is not the scenario that the working group supports. The goal is to reduce trash by 1/3, and fees are the best way to encourage people to change their behavior.

Discussion: Mr. Boshart pointed out that this plan is more equitable and lowers trash. He likes the idea of no transfer station fee, which opens the possibility of people dropping off bulky waste and asked if there is concern about recycling costs going up because of easier access to the transfer station. Ms. Bent said this is possible, but the Working Group felt that if recycling goes up it's a good thing. There was a discussion of recycling.

Mr. Boshart asked if there is no sticker or a free sticker. Ms. Bent said they intended it to be residents only, but they had not worked out the logistics. Mr. Boshart suggested they use the same permit application but without a cost – this provides for tracking and access control. There was a discussion of this issue, with a Working Group member saying encouraging usage (even of non-residents) would be a good thing because it helps cover fixed costs.

Ms. Bent said Transfer Station usage had dropped below 45% so another goal of the Working Group was to avoid further loss of customers.

Mr. Houston discussed his experience as a user of a private hauler, and his thinking around using the Transfer Station. He said he supports a free sticker so long as he can apply for it online.

Mr. Darling said the Working Group discussed harmonizing the stickers with other town stickers.

Ms. Bent said the Working Group has disbanded so someone else will need to work out implementation. Mr. Boshart outlined some of the work that needs to be done educating the public about the program.

Public Comments:

Ms. Wilkins asked for clarification of the recycling cost, especially why the number drops under this proposal. Mr. Darling said the model they used is based on waste and recycling combined. The 20% reduction is a total reduction in waste and recycling. He said these numbers will fluctuate. Ms. Wilkins said her understanding is that recycling goes up as soon as it costs more to get rid of trash, but that she supports PAYT. Mr. Darling said compost has been removed from the cost estimates as well.

Ms. DiPietro said she hopes Weston will go forward with the PAYT model.

Catty Chase said she never buys plastic bags and is opposed to them. She asked if some bags could be large paper and not plastic. Ms. Bent said they will look into alternatives.

Bharath Venkataraman likes the intentions of the proposal, but said the cost for trash is by weight, yet PAYT charges by volume. Mr. Ayers said they looked carefully at weigh as you throw, but put it aside because it's very expensive and cumbersome to implement.

Mr. Venkataraman asked how they will ensure the quality of the bags and suggested something other than a bag be used (like a tie or another method) to identify that someone has paid. Ms. Bent said this will be considered and implementation is open. Mr. Ayers said the state does not encourage stickers because people bring different size bags which undermines the program.

Mr. Venkataraman also asked about seniors and low-income receiving a discount as they currently do. He felt this is an equity issue. Mr. Boshart agreed that this needs to be determined. Mr. Venkataraman said he would like to see Styrofoam recycling as well, and there was a discussion of how the program could evolve. He also suggested what they will need to look carefully at what the charge for the bags will be, and expressed concern about the impacts of too many people using the Transfer Station.

Barbara Fullerton agrees that there should be as much recycling as possible and asked that the Swap Shop return.

Ms. Wilkins felt that most of the questions brought up tonight have been considered by the Working Group. She feels there should be a free sticker as this is most equitable. She feels PAYT will be beneficial for seniors. She also feels that Styrofoam is a big problem and would like to see a path to recycle that. She added that she would like the trash from the schools to go to the transfer station, and ask that this be considered.

Mr. Saunders thanked Ms. Bent for her work as chair of the Working Group.

Phoebe Beierle thanked the Working Group for their work. She told the group that the Climate Action Resilience Plan was released for public comment today and that the report shows that in Weston per household-usage is higher than neighboring towns.

Mr. Darling wanted to set the record straight regarding Weston having a bad reputation for disposing excess amounts of trash in relation to other Towns. He stated that the outcome is skewed because of the way the data is collected and presented. Weston reports household participation in relation to trash disposal, while other towns report use of their entire population. He feels the data is not comparable.

MOTION:** Ms. Bent moved to adopt Pay as you Throw using a proposed pricing structure of \$4 per large bags and smaller bags at an appropriate lesser price, and a Transfer Station that is available to all Town residents in some way, shape or form. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Weston Affordable Housing Foundation Inc. Housing Proposal on Birch Lane

Representation: Peter Endicott, President of Weston Affordable Housing Foundation

Overview: Mr. Endicott outlined what the Foundation is and their history in Weston. He gave the background of the Birch Lane project. The project has the support of the Historic Commission, the CPC, and Affordable Housing Trust. The only group not in support yet are the neighbors, who are concerned about 16-18 Birch Lane and won't support the 8-10 Birch project until they are assured there will be no building on 16-18.

The Zoning issue that they are looking for relief on is to have a duplex of 2 three-bedroom rental units. Mr. Endicott showed renderings and the elevations and floor plans of the proposed building, and well as details about the size and costs of the project.

Discussion: Ms. Bent asked for confirmation that these will be rental units. Mr. Endicott said they will be by deed restricted rentals and that WAHFI maintains ownership.

Mr. Boshart clarified that there are two parcels, each with about .9 acres, which are comparable to other properties in the area and fit well in the neighborhood.

Mr. Endicott said that they have no plans to build on the 16-18 parcel, although it is deeded as affordable rental housing so they can not do anything else with the land (including selling to buy property elsewhere). Because of the neighborhood opposition, WAHFI is trading carefully with the parcel. He said that the donor is not willing to move on this issue.

Public Comments: Lisa Cupia said she is concerned because the area has had low density historically. She stated that because of the incline, car lights will come up the road and will add light, noise, and density changing the historic area. According to Ms. Cupia, the neighborhood discussed making a charitable contribution to WAHFI so they can fulfill their mission elsewhere and that the neighborhood would purchase the proposed site for the affordable housing for the purpose of purchasing the property for conservation land, or community garden or an arboretum. According to Ms. Cupia, the neighbors have not given a number to purchase the property because their understanding was that the land donor would not consider selling the land. Mr. Houston asked several questions and had a discussion about their objections.

Andrew Rostami, 22 Derby Lane, felt that the collaboration with WAHFI has been “choppy”, but has recently been very good. He would like to understand the full plan for the property and related costs. He feels the structures will be uncharacteristic of the neighborhood because the lot is skinny.

Mr. Houston said if the neighbors want to show support for WAHFI and this unit, then the neighbors should support this particular unit now and not worry about additional units being added at another time. That is, the neighbors can choose to support or not support a future unit. Mr. Endicott has been clear that this is one project, and currently WAHFI has no other plans for the second property, although they have the right to build there.

Ms. Bent reminded the neighbors that if a private person were to buy the lot, they would have much less say in what happens there. They have more input in this process and pointed out that because WAHFI has no plans to build, the neighbors get to enjoy the open space for some time in the future.

Mr. Boshart asked why the Financial Committee does not support the proposal. Ms. Bent said her understanding is that they are not supporting because they think it’s too much per unit. Mr. Endicott said he has not presented to them, but that WAHFI has reviewed the numbers closely and think these are the best possible numbers. There was a discussion of this issue.

MOTION:** Mr. Houston moved to recommend passage of the Birch Lane Affordable Housing Article 23 of Weston Annual Town Meeting. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.

Weston Garden Club Art Installation Request

Representation: Cynthia Chapra and Jessica Pohl, Weston Garden Club Board Members

Overview: Ms. Pohl outlined the proposed piece of art by local artist Joe Ferguson for the planter downtown. She also reviewed the funding sources, and the actions the Garden Club would take regarding the planter and art. She asked that a branch that hangs over the planter be cut back to increase light to the planter.

Discussion: Ms. Bent asked if this art installation has been part of the Town Center project. Ms. Pohl said it had not because they had approached it from a design point of view and came to the Select Board first.

Mr. Boshart said he feels this proposal is too soon and it is a big decision. He said he’d like to talk to some of the designers of the project because the planter wasn’t designed to hold a piece of art.

Mr. Houston said plantings can be removed and assumes the art would not be installed with a plan to remove it. Ms. Pohl said they would like to design one time for the planter. Ms. Chapra said it could be moved or removed if necessary.

Mr. Houston said they had an open process for the murals for the rail trail tunnels. He continued by saying he would like the town to live with the Town Center for a while once it’s complete. He added, when there is a better sense for how the area works, the Town could consider art for the space and the consideration would need to be an open process, with possible requests for proposals, so citizens don’t feel that a small group made the decision for a very central piece with no public input.

Ms. Bent said that she thinks the people who designed and worked on the Town Center project should be part of this process.

Ms. Chapra outlined some of the other projects the Garden Club has done in town and explained that this planter is different – it’s not something that can handle just plantings. There was a discussion of how to advance the process for the planter and an art installation.

Mr. Houston said he would prefer that the Town pay for temporary plantings for the summer in order to have time for there to be an open public process. Ms. Pohl asked if Mr. Houston if he was proposing that the Town will plant and care for plants for the rest of the summer, and that the Garden Club will step in after the space is settled to come up with a design. Mr. Houston said basically yes, so that the big decisions can be made in a deliberate fashion. Mr. Gaumont said he would speak to the working group and others, but he thinks it's possible for the town to do this.

Mr. Boshart will work with the Garden Club to connect them to the working group.

Roadway Moratorium - this item was passed over.

Consent Agenda

MOTION: Mr. Boshart moved the consent agenda as follows:

Approve a request from the Council on Aging to accept multiple gift donations amounting to \$4,835 and to be applied to the Miscellaneous Gift Account

Sign the 2021 Arbor Day Proclamation for April 30th

*The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.***

Adjournment

*MOTION: Mr. Boshart moved to adjourn. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.***

Respectfully submitted,

Harvey Boshart, Clerk